



Entered on Docket  
November 04, 2011

A handwritten signature in dark ink, appearing to read "Linda B. Riegle".

Hon. Linda B. Riegle  
United States Bankruptcy Judge

**LEWIS AND ROCA LLP**

Robert M. Charles, Jr. (NV 6593)  
John Hinderaker (AZ 018024)  
Marvin Ruth (NV 10979)  
3993 Howard Hughes Parkway, Ste. 600  
Las Vegas, Nevada 89169-5996  
Telephone (702) 949-8320  
Facsimile (702) 949-8321  
Email: rcharles@lrlaw.com  
jhinderaker@lrlaw.com  
mruth@lrlaw.com

*Attorneys for USACM Liquidating Trust*

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEVADA**

In re:

**USA COMMERCIAL MORTGAGE  
COMPANY,**

Debtor.

Case No. BK-S-06-10725-LBR  
Chapter 11

**Order Sustaining Seventh Omnibus  
Objection Of USACM Trust To Proofs Of  
Claim Based In Part Upon Investment In  
The Fiesta Oak Valley Loan**

Hearing Date: October 18, 2011  
Hearing Time: 1:30 p.m.

The Court having considered the "Seventh Omnibus Objection Of USACM Trust To Proofs Of Claim Based In Whole or In Part Upon Investment in The Fiesta Oak Valley Loan ("Fiesta Oak Valley Loan") [DE 9075] (the "Objection"); the Court having heard the Objection on October 18, 2011; appropriate notice of the Objection having been given; no response to the Objection having been filed; the Court noting on the record that the disallowance of the Claims listed on **Exhibit A** does not affect the direct lenders' right to

1 repayment by the borrower or from the collateral securing the Fiesta Oak Valley Loan; and  
2 good cause appearing:

3 **IT IS ORDERED** that:

- 4 1. The Objection [DE 9075] is sustained; and  
5 2. The claims listed on **Exhibit A** attached are 20% allowed and 80%  
6 disallowed to the extent those claims are based upon an investment in the Fiesta Oak  
7 Valley Loan.

8  
9 PREPARED AND RESPECTFULLY SUBMITTED BY:

10 **LEWIS AND ROCA LLP**  
11

12 By /s/ John Hinderaker (AZ #018024)

13 Robert M. Charles, Jr.

14 John Hinderaker (*pro hac vice*)

15 3993 Howard Hughes Parkway, Ste. 600

16 Las Vegas, Nevada 89169-5996

17 Telephone: (702) 949-8320

18 Facsimile: (702) 949-8321

19 *Attorneys for USACM Liquidating Trust*  
20  
21  
22  
23  
24  
25  
26

## LOCAL RULE 9021 CERTIFICATION

In accordance with LR 9021, counsel submitting this document certifies that the order accurately reflects the court's ruling and that (check one):

\_\_\_\_\_ This Court has waived the requirement set forth in LR 9021(b)(1).

XXX No party appeared at the hearing or filed an objection to the motion.

\_\_\_\_\_ I have delivered a copy of this proposed order to all counsel who appeared at the hearing, and any unrepresented parties who appeared at the hearing, and each has approved or disapproved the order, or failed to respond, as indicated below [list each party and whether the party has approved, disapproved, or failed to respond to the document]:

Counsel appearing: \_\_\_\_\_

\_\_\_\_\_ I certify that this is a case under Chapter 7 or 13, that I have served a copy of this order with the motion pursuant to LR 9014(g), and that no party has objected to the form or content of the order

U.S. Trustee: _____	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input checked="" type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document
Other Party: _____	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document

Submitted by:  
LEWIS AND ROCA LLP

By: /s/ John Hinderaker. (AZ #018024)  
Attorneys for USACM Liquidating Trust

# # #

## USACM Trust

## Fiesta Oak Valley

## Multiple Loan Claims

Claim	Name	Address	Total Claim Amount	Approximate Amount Related to an Investment In The Fiesta Oak Valley Loan	Amount Disallowed (80%)	Amount Allowed (20%)
10725-02273	Louise Teeter IRA Rollover	5301 Beethoven Street, Suite 160 Los Angeles, CA 90066	898,523.18	60,000.00	\$48,000.00	\$12,000.00
10725-01992	Luongo HW JT, John M & Gloria	Wros Payable On Death To Stephanie Luongo 965 Leah Cir Reno, NV 89511	306,747.34	50,000.00	\$40,000.00	\$10,000.00
10725-02214	Lynda L Pinnell Living Trust DTD 7/24/00	Lynda L Pinnell Ttee 9915 Saddleback Dr Lakeside, CA 92040	649,047.68	75,000.00	\$60,000.00	\$15,000.00
10725-02557	Manning, Martin L	Po Box 426 Genoa, NV 89411-0426	75,000.00	50,000.00	\$40,000.00	\$10,000.00
10725-02202	Marguerite Falkenberg 2000 Trust Dtd 6/20/00	C/O Marguerite Falkenberg Trustee 727 3rd Ave Chula Vista, CA 91910-5803	794,366.81	117,549.15	\$94,039.32	\$23,509.83
10725-01967	Markwell Family Trust	Terry & Christiane Markwell TTBES 12765 Silver Wolf RD Reno, NV 89511	710,494.52	150,000.00	\$120,000.00	\$30,000.00
10725-02178	Marshal Brecht Trust DTD 2/5/86	Marshall J & Janet L Brecht Trustees 640 Colonial Cir Fullerton, CA 92835	3,418,022.00	125,000.00	\$100,000.00	\$25,000.00
10725-02383	Minter Family 1994 Trust	Douglas & Elizabeth F Minter Ttees 5389 Conte Dr Carson City, NV 89701	1,244,089.74	50,000.00	\$40,000.00	\$10,000.00
10725-01208	Monighetti, Pete	6515 Frankie Ln Prunedale, CA 93907	1,509,963.55	100,000.00	\$80,000.00	\$20,000.00
10725-01208-2	Monighetti, Pete	6515 Frankie Ln Prunedale, CA 93907	1,509,963.55	100,000.00	\$80,000.00	\$20,000.00

EXHIBIT A

2456903.2